

**AGENDA REQUEST
BUSINESS OF THE CITY COUNCIL
CITY OF SUGAR LAND, TEXAS**

**AGENDA OF: 08/03/04 DEPT. OF ORIGIN: DEVELOPMENT SVCS. REQ. NO. IX A
DATE SUBMITTED: 07/23/04**

PREPARED BY: DOUGLAS P. SCHOMBURG, AICP, ASST. CITY PLANNER *D.P.S.*

**SUBJECT: CONDITIONAL USE PERMIT TO OPERATE A PRIVATE SCHOOL IN THE
GENERAL BUSINESS (B-2) DISTRICT**

PROCEEDING: PUBLIC HEARING; FIRST READING OF ORDINANCE NO. 1454

**EXHIBITS: VICINITY MAP; ORDINANCE NO. 1454; CUP SITE PLAN; TRAFFIC
CURCULATION PLAN; APPLICATION**

CLEARANCES:

SABINE A. SOMERS-KUENZEL, AICP, CITY PLANNER *AK*

JIM CALLAWAY, DEVELOPMENT SERVICES DIRECTOR *J. Callaway*

PAUL A. HOFMANN, ASSISTANT CITY MANAGER *PAH*

APPROVED FOR SUBMITTAL: CITY MANAGER *Allen Boyard*

EXPENDITURE REQUIRED: \$ n/a

AMOUNT BUDGETED: \$ n/a

APPROPRIATION REOUINED: \$ n/a

EXECUTIVE SUMMARY:

Cornerstone Christian Academy, represented by Ms. Mardell Hamby, is seeking to operate a Private Elementary School within the existing facilities at the First Colony Church of Christ campus at 2140 First Colony Boulevard. This site is located within a General Business (B-2) District, which requires a Conditional Use Permit for the operation of a Private Elementary School under SIC Code # 8211 (Schools, Elementary and Secondary). The property consists of approximately 13.5 acres and is further described as located on the west side of First Colony Boulevard near the northwest intersection of US HWY 59 and First Colony Boulevard. The property is platted as Reserve D-2 of the First Colony Commercial Park Tract "D" and "E" Replat.

A Public Hearing was held at the January 22, 2004 Planning and Zoning Commission Meeting where the Commission also discussed the item, and the Commission unanimously recommended approval of the CUP on June 24, 2004. Details of the meeting and an analysis of the site are contained within this report.

PUBLIC HEARING:

The Notice of Public Hearing was published in a newspaper of general circulation, all property owners within 200 feet of the site were notified, and the Public Hearing notice was published on the City of Sugar Land's Internet home page. In addition, a courtesy notification sign was placed on the property indicating that a Public Hearing was scheduled regarding the site. Staff has received two informational inquiries regarding this request but no spoke at the public hearing other than the applicant.

GENERAL SITE INFORMATION:

The following is a summary of general site information.

Adjacent Zoning	North:	Standard Single-Family Residential (R-1)
	South:	General Business (B-2)
	East:	General Business (B-2)
	West:	Temporary R-1 (Tract 4 area now in City Limits)
	Site:	General Business (B-2)
Adjacent Land Use	North:	Single Family residences
	South:	Tweeter electronics business
	East:	First Colony Blvd. and Town Center Sq. Shopping Center
	West:	Tract 4 vacant land
	Site:	First Colony Church of Christ

DEVELOPMENT CODE PROVISIONS FOR CONDITIONAL USE PERMITS:

Section 2-22. Standard of Review

In reviewing the application, the Commission and Council will consider the impact the proposed use would have on surrounding premises and the community, including traffic, noise, and property values; any conditions or restrictions that could mitigate any adverse impact; and other matters that are relevant to a determination of whether the use would be a compatible and appropriate use of the premises.

Section 2-23. Conditions

The Commission may recommend, and the Council may impose, reasonable conditions and restrictions in the granting of a permit to mitigate any adverse impacts of the proposed use. The conditions must be specific in the ordinance approving the permit.

ANALYSIS:

Project Overview:

The applicant for the private elementary school at the First Colony Church of Christ campus has indicated that the school would be contained within existing Church buildings at the site. The City issued Site Plan and Building Permit approvals for the Church in 2001. Currently, Cornerstone Christian Academy operates a day care facility at the site, which is allowed by

right within the General Business (B-2) District. However, the addition of a private elementary school requires a Conditional Use Permit (CUP) in B-2. The CUP Site Plan submitted by the applicant indicates that Cornerstone Christian Academy would occupy the northern building on the site, with a total of approximately 19,000 square feet (9,500 feet on the 1st and 2nd Floors). The northern building, which is connected by a passageway and rotunda to the Family Life Center at the south, contains a porte-cochere for pick up and drop off of students.

Parking and Traffic Circulation:

The approved Site Plan for the First Colony Church of Christ indicated that there would be 584 spaces at the Church, which was approximately double the minimum required amount for the Church Sanctuary under the one space for every four seats requirement. However, the Church anticipated the possibility of additions, such as a private school / day care facility, and used a ratio to include parking for the educational and office areas, as well as the Family Life Center. All parking shown on the Site Plan was constructed. Parking for an elementary school is based on one space for every 20 students, while day care facilities are required to follow a ratio of 1 space for each employee and one space for every eight students. Based on a staff analysis of the existing and proposed students, the parking requirements of the Development Code are fully met at the site with additional parking spaces in reserve. The City Engineer's Office determined that the proposed private school addition would warrant the submittal of a Circulation Plan for traffic flows. The applicant was notified that final approval for the Private School would not be given by the City until a Circulation Plan was submitted for review and to ensure safety at the site. A Circulation Plan was submitted and has been approved by the City Engineer. Additional details on the Circulation Plan are contained within this report.

Projected Facility Growth and Operational Plan:

Based on correspondence from the applicant (attached), the proposal for the Private School would be to project a growth from the current Day Care (preschool) at the site with a seven year timeframe. Currently the preschool has 107 children enrolled in two and four day programs, with about 70 children at the facility any given weekday. Based on the proposal, the following would apply:

*Class Size Average for Private School:

16-20 Children

*Projected Years for Expansion: 2004-2010

86 Children	2004
104 Children	2005
122 Children	2006
142 Children	2007
162 Children	2008
180 Children	2009
200 Children	2010

***Current Preschool Operational Plan:**

September through May (Monday, Wednesday, Thursday, Friday) 9:00am to 2:30pm

***Proposed Private Elementary School Operational Plan:**

FBISD School Year Calendar (Monday-Friday) 8:00am to 4:00pm
(Early and Late Care Hours are anticipated)

Additional Staff Review:

Supplementary information on traffic circulation was received by the City following the January 2004 meeting. After a review and comment of the proposed routes and Plan re-submittal, the City Engineer determined that the revised Traffic Circulation Plan was adequate for traffic flow and safety. The City Engineer also confirmed that:

- Additional Traffic mitigation measures would not be required at the site
- Traffic school zones are primarily for public schools, and no school zones will be placed along the streets adjacent to the site

The Planning Division can also confirm the following information:

First Colony Church of Christ Campus Site meets all Development Code and B-2 District Requirements: (including)

- Bulk regulations (ex. setbacks, ht., open space)
- Parking requirements, specifications, setbacks
- Landscaping and screening
- Building finish regulations
- Signage
- Subdivision Regulations

The CUP site plan proposed by the applicant states a limit on the square footage available to be used for the Private School to 19,000 square feet and at a specific location on the Church campus. Also, the City Engineer has requested that any approved CUP incorporate the revised Traffic Circulation Plan as an exhibit. As a result, the CUP ordinance attached to this report includes both a CUP Site Plan with square footage maximums for the private school and the Traffic Circulation Plan. Cornerstone Christian Academy has indicated that the Traffic Circulation Plan would also be adopted in the School Handbook and be reviewed by parents of the students.

PLANNING AND ZONING COMMISSION ACTION:

A Public Hearing was held for this item at the January 22, 2004 Planning and Zoning Commission Meeting where the applicant gave a presentation. No one spoke in opposition to the Conditional Use Permit request. The Planning and Zoning Commission discussion centered on traffic circulation, school zone questions, and traffic-related issues. The Commission requested staff to further examine and report on the subject of a traffic circulation plan, the impact of the project to any adjacent roadways or signalizations, and whether there would be any school zones needed for the private school. After additional research performed at the request of the Commission, the applicant re-submitted materials and the Commission considered and acted on the CUP on June 24, 2004. City Staff confirmed that there would not be additional school zones related to the proposal, and as previously stated, a revised Traffic Circulation Plan approved by the City Engineer was submitted for review. Following additional discussion, the Commission unanimously recommended approval of the CUP to the Mayor and Council.

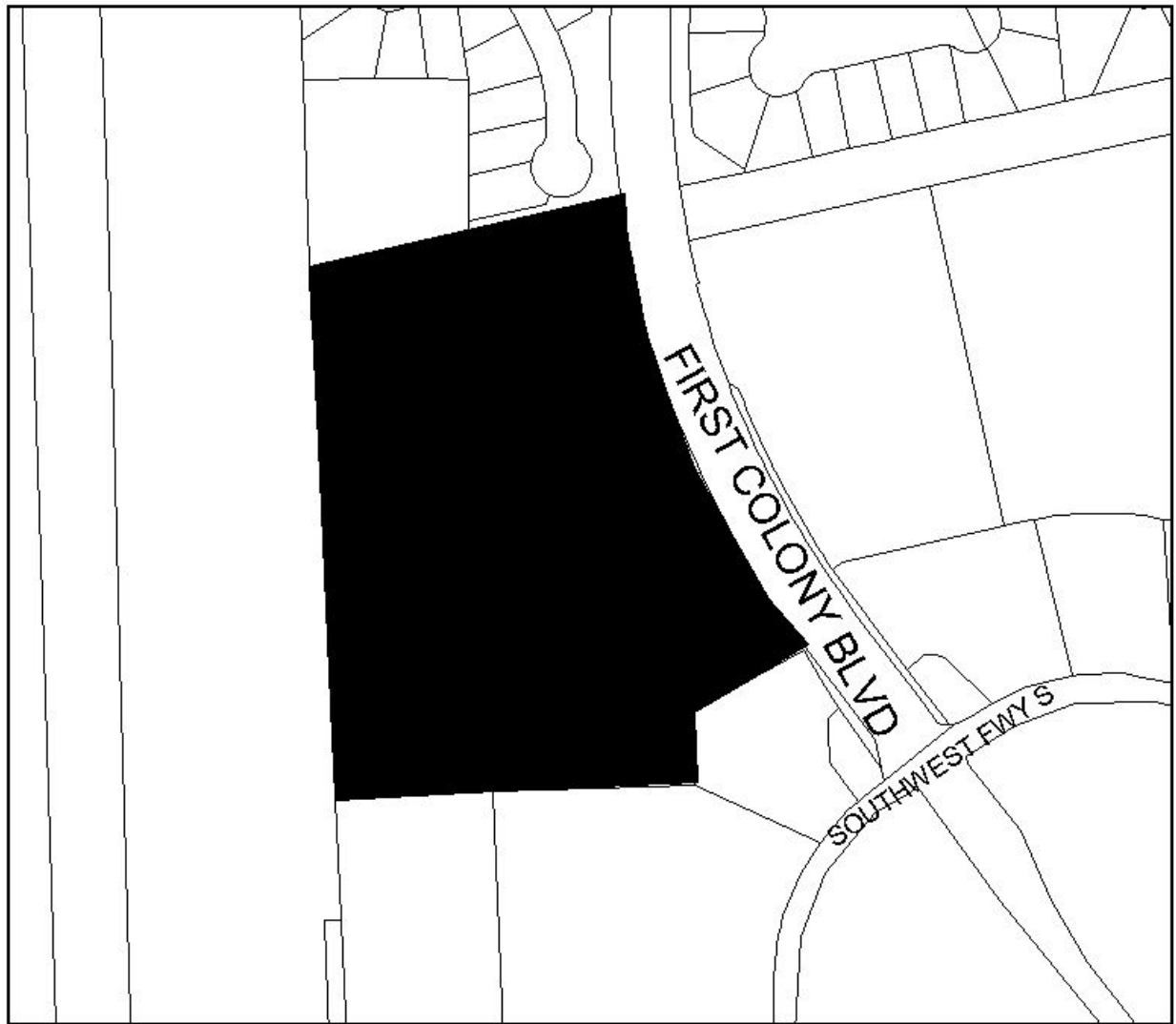
RECOMMENDED ACTION:

The Planning Division recommends holding a Public Hearing on the proposed rezoning, in accordance with the provisions of Chapter 2 of the Development Code. The Planning Division and the Planning and Zoning Commission recommend approval of the proposed Conditional Use Permit for a Private School in the General Business (B-2) District per attached Ordinance No. 1454.

Cc: Ms. Mardell Hamby, Cornerstone Christian Academy Fax: (281) 980-1432

File No.: P0001951

Vicinity Map:



Cornerstone Christian Academy
Conditional Use Permit
Private School

ORDINANCE NO. 1454

**AN ORDINANCE OF THE CITY OF SUGAR LAND, TEXAS, GRANTING A
CONDITIONAL USE PERMIT FOR AN ELEMENTARY SCHOOL IN A GENERAL
BUSINESS (B-2) DISTRICT LOCATED AT 2140 FIRST COLONY BOULEVARD.**

WHEREAS, Cornerstone Christian Academy has applied for a conditional use permit to operate an elementary school in a General Business (B-2) zoning district for the real property located at 2140 First Colony Boulevard; and

WHEREAS, the Planning and Zoning Commission recommends the permit be approved;
NOW, THEREFORE;

**BE IT ORDAINED BY THE CITY COUNCIL
OF THE CITY OF SUGAR LAND, TEXAS:**

Section 1. That a conditional use permit to operate a private school (SIC No. 8211; Elementary and Secondary Schools) is granted for the property, described as Reserve D-2, out of the Replat of First Colony Boulevard Commercial Park Tract "D" and "E" as recorded in the plat records of Fort Bend County in Slide No. 1754A.

Section 2. That the permit is subject to the following condition:

- (1) Compliance with the Cornerstone Christian Academy Traffic Circulation Study, (Traffic Plan), attached as Exhibit B and incorporated into this ordinance by reference.

Section 3. That the premises shall be developed, operated, and maintained in accordance with the ordinances of the City of Sugar Land and in accordance with the site plan dated November 26, 2003 shown in Exhibit A, attached to and incorporated into this ordinance by reference. If there is a conflict between a provision of this ordinance and a provision of the Code of Ordinances or the Sugar Land Development Code, the more stringent provision controls.

Section 4. That any person found guilty of violating this ordinance shall be fined not more than \$2,000 for each offense.

APPROVED on first consideration on _____, 2004.

ADOPTED upon second consideration on _____, 2004.

David G. Wallace, Mayor

ATTEST:

Glenda Gundermann, City Secretary

Reviewed for Legal Compliance:

Attachments: Exhibit A - Site Plan Dated November 26, 2003
Exhibit B – Traffic Circulation Plan

Exhibit A: CUP Site Plan

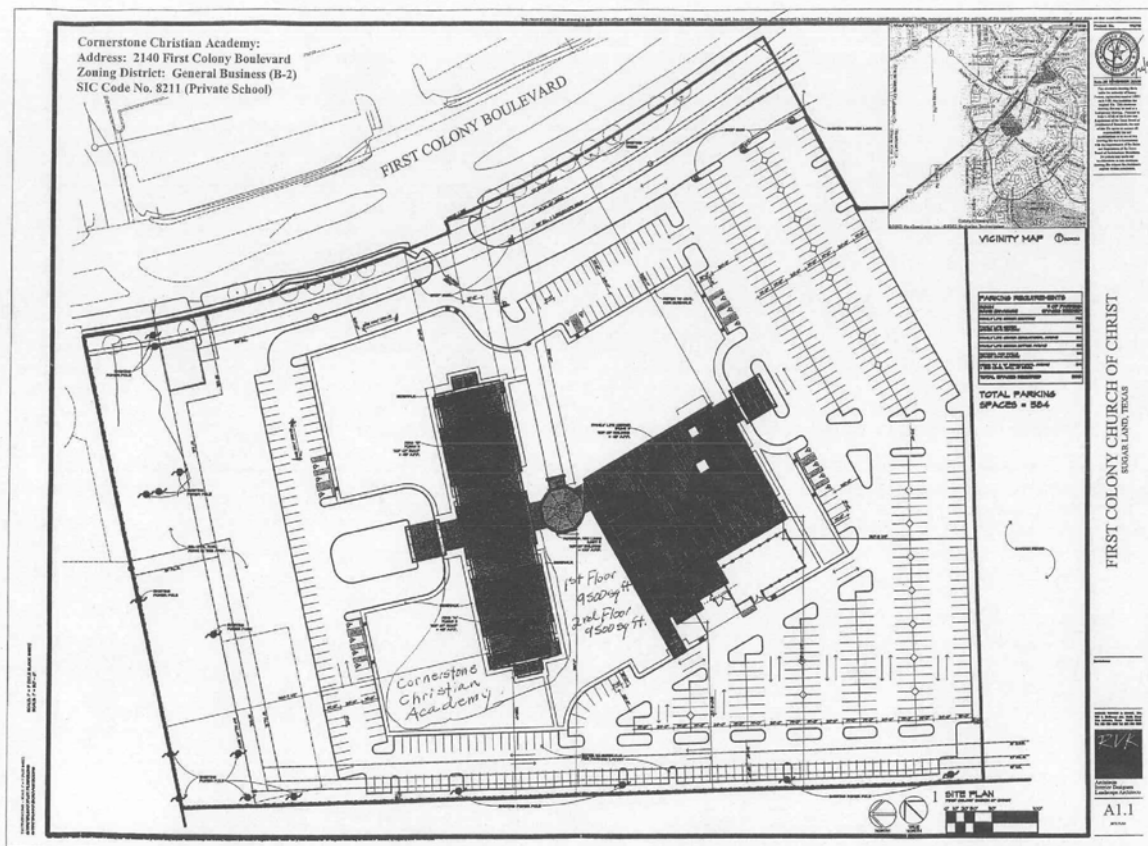
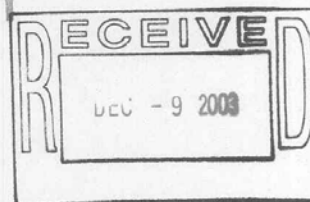


Exhibit B: Traffic Circulation Plan





FILE COPY



CITY OF SUGAR LAND

CURRENT PLANNING DIVISION

CONDITIONAL USE PERMIT OR REZONING APPLICATION

Please type or print the following information

Applicant

Contact Mardell Hamby
 Address 2140 First Colony Blvd. Sugar Land, TX 77479
 Phone 281-980-0842 Fax 281-980-1432
 Email cornerstone@praiseGod.org

Owner

Contact First Colony Church of Christ
 Address 2140 First Colony Blvd.
 Phone 281-980-7070 Fax 281-980-4672
 Email firstcolonychurch@praiseGod.org

Property Legal Description Tract D-2 A-32 See Attached X

Lot N/A Block N/A Subdivision SM Wm Survey

Current Zoning District B-2 Proposed Zoning District, if applicable _____

If this is a CUP application: ☐ new building ☒ existing building

Proposed Use (CUP only) School (Private)

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and the undersigned is authorized to make this application. This application expires six months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on this request.

X Mardell Hamby 12-8-03
 Signature of Applicant Date

Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- ☒ Three (3) copies of the completed application
- ☒ Check for \$400 (non-refundable)
- ☒ Metes and bounds of the site and county slide number of plat, if recorded
- ☒ Two (2) 24" x 36" blue-line copies and two (2) 11" x 17" copies of the CUP layout plan or the property to be rezoned, including a vicinity map and north arrow on each copy
- ☒ Two (2) copies of a letter stating the applicant's request and addressing issues relating to a CUP including traffic circulation, parking, plan of operation, and other pertinent information
- ☒ Names and mailing addresses of all property owners and tenants within 200 feet of site, including owner and applicant

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed.

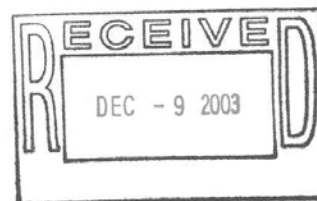
S:\Public\DRG\ADMIN\APPLICATIONS\Current CUP & Rezoning Application 2001

Letter From Applicant:

FILE COPY



Mardell Hamby
Preschool Director
2140 First Colony Blvd., Sugar Land, TX 77479
281-980-0842 Fax 281-980-1432
www.cornerstonecca.org



December 7, 2003

City of Sugar Land
Current Planning Division
PO Box 110
Sugar Land, Texas 77487-0110

To the Planning and Zoning Commission:

Cornerstone Christian Academy opened a program for young children on September 2, 2003. This Preschool is housed in the First Colony Church of Christ. It is fully licensed by the Texas Department of Protective and Regulatory Services. Our request of the Planning and Zoning Commission is that a conditional use permit be approved to allow this program to grow into an elementary level school at the present site.

Our plan is to add one grade a year, beginning with Kindergarten in August of 2004. At this time we project the growth to complete 6th grade in 7 years time. This would allow one classroom of each grade, averaging 16 to 20 children per class. We currently have 107 preschool children enrolled in 2 and 4 day programs with 70 children present any given weekday. This would mean a growth of our current daily number of 70 children to:

86 children in 2004
104 children in 2005
122 children in 2006
142 children in 2007
162 children in 2008
180 children in 2009
200 children in 2100

Our Preschool operates September through May, on Mondays, Wednesdays, Thursdays, and Fridays from 9 AM to 2:30 PM. Our elementary school classes will operate from 8 AM to 4 PM, 5 days a week with an anticipated need for early and late aftercare hours. We will follow the FBISD school year calendar. There may be some camp activities on a limited basis during the summer months.

Traffic circulation generally flows in one direction around the playground side of the building. Cornerstone Staff park in another area of the lot, leaving all of the parking space on the entrance side for parents. Directional arrows are in place as are "No Parking" signs along the drive through. There are 3 additional entrances available for student use. There are 600 plus parking spaces available during weekday operations. Students at these grade levels will be dropped off by parents and picked up at the end of the day. The church's heavy use of the parking lot occurs on Sundays and Wednesday evenings.

First Colony Church of Christ built this beautiful building with the dream of a school in mind. From the playground to the classroom storage to the commercial kitchen and full sized gym, this school will have state-of-the-art facilities to bring Christian education to the families of Fort Bend.

Please let me know of any additional information you need as well as meetings that we need to attend.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "M. Hamby".

Mrs. Mardell Hamby, M.Ed.
Academy Director